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EXAMINER	
FLEURANTIN, JEAN B	

ART UNIT	PAPER NUMBER
2172	8

DATE MAILED: 10/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/821,328	KAYAHARA, NAOKI	
	Examiner	Art Unit	
	Jean B Fleurantin	2172	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 August 2003* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-39* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-39* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Response to Amendment

1. Claims 1 – 39 remain pending for examination.

Response to Arguments

2. Applicant's arguments filed August 11, 2003 with respect to claims 1-39 have been fully considered but they are not persuasive. Because of the following:

In response to applicant's argument on pages 26 and 27, that the "Seto reference does not disclose, teach, or suggest the method of independent claim 1, as amended". It is respectively submitted that Seto reference discloses the claimed limitations as follow: Seto discloses a method for retrieving a retrieval object of an impression meeting with an impression of retrieving word among a plurality of retrieval objects (see col. 1, lines 41-43), "pre-storing an expression word map, in which a plurality of expression word expressing impressions of retrieval objects are arranged on a virtual space depending upon a degree of association of the impression;" as each image stored in a conventional image filing apparatus is assigned, as a retrieval index particular information, such as image sensing parameters including the date of sensing, the type of sensors and the like, it is therefore easy to retrieve an image by using image sensing parameters, (see col. 1, lines 41-46), and see column 31, lines 53-54;

"pre-storing said plurality of retrieval objects" as each image stored in a conventional image filing apparatus is assigned, such as image sensing parameters including the date of sensing, it is therefore easy to retrieve an image by using image sensing parameters, (see col. 1, lines 41-46), and see column 31, lines 53-54;

"deriving a position of the expression word corresponding to said retrieval object or the position of the expression word contained in said retrieving object on said virtual space" as a large object is first retrieved by using position information, (see col. 7, lines 29-30),

"generating a retrieval object map arranging said respective retrieval objects on said virtual space on the basis of the position of the corresponding expression word" as an image inclusive of a particular object can be retrieved directly from position information, the latitudes and longitudes of four corners of a sensed 'corrected' image registered in advance are used for retrieving the image, (see col. 1, lines 50-54),

"deriving a position of said retrieving word on said virtual space with reference to said expression word map" as a means of calling a macro object a 'parent' and a micro object a 'child', the coordinates of the position of the parent may be defined by using an absolute coordinate system of an image or map, and the coordinates of the position of the child may be defined by a displacement from the parent coordinates, (see col. 21, lines 22-26), and

"retrieving the retrieval object of the impression meeting with the impression of said retrieving word among a plurality of retrieval objects on the basis of the position of said retrieving word with reference to said retrieval object map" as an issue of retrieving an image inclusive of a particular position or area is settled by adding indices of sensing parameters to each image and using position information as indices, sensing parameters and position information are used as a retrieving key, (see col. 4, lines 23-30).

In response to applicant's argument on page 30, that the "claims 30-33, distinguish over the Seto reference". It is respectively submitted that Seto reference discloses the claimed limitations as follow: Seto discloses "said first axis is assigned for amount of sense of dynamic

as quantified on one axial direction and amount of sense of smart as quantified on the other, and direction the second axis is assigned for amount of sense of masculine as quantified on one axial direction and amount of sense of femininity as quantified on the other direction" as an issue of retrieving an image inclusive of a particular position or area is settled by adding indices of sensing parameters to each image and using position information as indices, namely sensing parameters and position information are used as a retrieving key, the position information includes for example, the latitudes and longitudes of a map, and the lines and pixels of image coordinates, and if the map coordinates are used for the position information, a latitude/longitude-pixel/line conversion expression is used for converting map coordinates into image coordinates, (see col. 4, lines 23-35). Seto does not explicitly disclose "computer retrieving hair style graphic image of sensuous image meeting with an impression of a retrieving word among a plurality of hair style graphic images, a graphic image map storage device for pre-storing expression word map, the graphic image map including a plurality of expression words expressing impression of the hair style graphic images on a virtual space, where the virtual space is a coordinate system having a first axis and a second axis perpendicular to said first axis, depending upon a degree of association of the impression". However, Seto discloses a method of retrieving image information from a database (see col. 1, lines 7-8); and steps of the image index contains identification information composed of a file name, and apparatus name and the like represented by the characters and numerals, see col. 1, lines 24-27; which is similar to the description provided by the applicant (specification on page 771, lines 12-15). Applicant should duly note, that Seto uses indexes to retrieve the candidate image (see col. 29, lines 56-57). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the

invention was made to modify the teachings of Seto with the graphic image map including a plurality of expression words expressing impression of the hair style graphic images on a virtual space, where the virtual space is a coordinate system having a first axis and a second axis perpendicular to said first axis, depending upon a degree of association of the impression". Such modification would allow the teachings of Seto to improve the efficiency of the retrieving method, retrieving system, retrieving program, retrieval objective map generating method, retrieval objective map generating system, image retrieving method, image retrieving system, image retrieving program, image retrieval data, image map generating method and image map generating system.

Claim Rejections - 35 U.S.C. § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-29 and 34-39 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 5,546,572 issued to Seto et al. (hereinafter "Seto").

As per claims 1, 6, 11, 12 and 15, Seto discloses a method for retrieving a retrieval object of an impression meeting with an impression of retrieving word among a plurality of retrieval objects (see col. 1, lines 41-43), "pre-storing an expression word map, in which a plurality of

expression word expressing impressions of retrieval objects are arranged on a virtual space depending upon a degree of association of the impression;" as each image stored in a conventional image filing apparatus is assigned, as a retrieval index particular information, such as image sensing parameters including the date of sensing, the type of sensors and the like, it is therefore easy to retrieve an image by using image sensing parameters, (see col. 1, lines 41-46), and see column 31, lines 53-54;

"pre-storing said plurality of retrieval objects" as each image stored in a conventional image filing apparatus is assigned, such as image sensing parameters including the date of sensing, it is therefore easy to retrieve an image by using image sensing parameters, (see col. 1, lines 41-46), and see column 31, lines 53-54;

"deriving a position of the expression word corresponding to said retrieval object or the position of the expression word contained in said retrieving object on said virtual space" as a large object is first retrieved by using position information, (see col. 7, lines 29-30),

"generating a retrieval object map arranging said respective retrieval objects on said virtual space on the basis of the position of the corresponding expression word" as an image inclusive of a particular object can be retrieved directly from position information, the latitudes and longitudes of four corners of a sensed 'corrected' image registered in advance are used for retrieving the image, (see col. 1, lines 50-54),

"deriving a position of said retrieving word on said virtual space with reference to said expression word map" as a means of calling a macro object a 'parent' and a micro object a 'child', the coordinates of the position of the parent may be defined by using an absolute

coordinate system of an image or map, and the coordinates of the position of the child may be defined by a displacement from the parent coordinates, (see col. 21, lines 22-26), and

"retrieving the retrieval object of the impression meeting with the impression of said retrieving word among a plurality of retrieval objects on the basis of the position of said retrieving word with reference to said retrieval object map" as an issue of retrieving an image inclusive of a particular position or area is settled by adding indices of sensing parameters to each image and using position information as indices, sensing parameters and position information are used as a retrieving key, (see col. 4, lines 23-30).

As per claims 2 and 7, Seto discloses wherein said retrieving the retrieval object of the impression meeting with the impression of said retrieving word retrieves the retrieval object at a position having a smallest distance to the position of the retrieving word, (see col. 10, lines 27-35).

As per claim 3, Seto discloses wherein said retrieving the retrieval object of the impression meeting with the impression of said retrieving word retrieves the retrieval object at a position having an angle, defined by a straight line connecting a position in said virtual space derive by said deriving the position of said retrieving word and an origin of said virtual space, smaller than an angle defined by a straight line connecting a position of said retrieving object in said virtual space and the origin of said virtual space, with reference to said retrieval object map in ascending order, (cols. 1- 2, lines 63-29).

As per claims 4 and 9, the limitations of claims 4 and 9 are rejected in the analysis of claim 1, and these claims are rejected on that basis.

As per claims 5 and 10, in addition to the discussion in claim 1, Seto further discloses "said method includes retrieving retrieval object corresponding to attribute information matching with a given attribute information among said plurality of retrieval objects on the basis of the given attribute information" as an image inclusive of a particular object can be retrieved directly from position information, the latitudes and longitudes of four corners of a sensed, (see col. 1, lines 50-54).

As per claim 8, Seto discloses a retrieving method, wherein said retrieval object retrieving means retrieves the retrieval object at a position having an angle defined by a straight line connecting a position in said virtual space derived by said second position deriving means and an origin of said virtual space, smaller than an angled defined by and a straight line connecting a position of said retrieving object in said virtual space and the origin of said virtual space, with reference to said retrieval object map, (see col. 10, lines 27-35).

As per claims 13 and 16, in addition to the discussion in claim 1, Seto further discloses "said method including, extracting said expression word from said retrieval object descriptive document and said supplementary document corresponding to said retrieval object with reference to said expression word map" as the latitude/longitude coordinates retrieved at the object retrieving process 790 are converted into line/pixel values, by using the latitude/longitude

line/pixel conversion coefficients retrieved at the latitude/longitude line/pixel conversion coefficients retrieving process 740, (see col. 16, lines 32-37).

As per claims 14 and 17, Seto discloses a retrieving method, wherein each of said retrieval objects is stored corresponding to with an attribute information indicative of said retrieval object in addition to said retrieval object descriptive object and said supplementary document, (see col. 16, lines 32-37).

As per claims 18, 22 and 29, Seto discloses a method for retrieving graphic image of impression meeting with an impression of a retrieving word among a plurality of graphic images (see col. 1, lines 41-43), comprising "pre-storing an expression word map, in which a plurality of expression word expressing impression of graphic images are arranged on a virtual space depending upon a degree of association of the impression," as each image stored in a conventional image filing apparatus is assigned, as a retrieval index particular information, such as image sensing parameters including the date of sensing, the type of sensors and the like, it is therefore easy to retrieve an image by using image sensing parameters but difficult to retrieve an image by designating a particular point or area of the image, (see col. 1, lines 41-46);

"pre-storing said plurality of graphic images" as each image stored in a conventional image filing apparatus is assigned, such as image sensing parameters including the date of sensing, it is therefore easy to retrieve an image by using image sensing parameters, (see col. 1, lines 41-46), and see column 31, lines 53-54;

"deriving a position of the expression word corresponding to said graphic image or the position of the expression word contained in said graphic image on said virtual space" as a means of using the information as indices allows a direct retrieval of an object irrespective of time and the type of image, (see col. 6, lines 58-60);

"generating a graphic image map arranging said respective graphic images on said virtual space on the basis of the position of the expression word" as an image inclusive of a particular object can be retrieved directly from position information, the latitudes and longitudes of four corners of a sensed 'corrected' image registered in advance are used for retrieving the image, while checking whether a retrieving position is within an area defined by the latitudes and longitudes of the four corners, (see col. 1, lines 50-56);

"deriving a position of said retrieving word on said virtual space with reference to said expression" as means of calling a macro object a 'parent' and a micro object a 'child', the coordinates of the position of the parent may be defined by using an absolute coordinate system of an image or map, and the coordinates of the position of the child may be defined by a displacement from the parent coordinates, this method affects the configuration of the object table, (see col. 21, lines 22-26), and

"retrieving the graphic image of the impression meeting with of said retrieving word among a plurality of graphic images on the basis of the position of said retrieving word with reference to said graphic image map" as an issue of retrieving an image inclusive of a particular position or area is settled by adding indices of sensing parameters to each image and using position information as indices, sensing parameters and position information are used as a retrieving key, (see col. 4, lines 23-30).

As per claims 19 and 20, Seto discloses a retrieving method, wherein retrieving the graphic image of the impression meeting with the impression of said retrieving word retrieves the graphic image at a position having smallest distance to the position of the retrieving word, (see col. 10, lines 27-35).

As per claim 21, in addition to the discussion in claim 18, Seto further discloses "said method includes retrieving a graphic image corresponding to the attribute information matching with a given attribute information among said plurality of graphic images on the basis of the given attribute information" as an image inclusive of a particular object can be retrieved directly from position information, the latitudes and longitudes of four corners of a sensed, (see col. 1, lines 50-54).

As per claim 23, Seto discloses a retrieving system, wherein said graphic image retrieving means retrieves the graphic image at a position having smallest distance to the position derived at said second position deriving means in said virtual space with reference to said graphic image map in ascending order, (see col. 10, lines 27-35).

As per claim 24, Seto discloses a retrieving system as claimed, wherein said graphic image retrieving means retrieves the graphic image at a position having an angle, defined by a straight line connecting a position in said virtual space derived by said second position deriving means and an origin of said virtual space, smaller than an angle defined by a straight line

connecting a position of said graphic image in said virtual space and the origin of said virtual space, with reference to said graphic image map, (see col. 10, lines 27-35).

As per claim 25, in addition to the discussion in claim 18, Seto further discloses "a second graphic image retrieving means for retrieves graphic image corresponding to the attribute information matching with a given attribute information among said plurality of graphic images on the basis of the given attribute information" as a means of calling a macro object a 'parent' and a micro object a 'child', the coordinates of the position of the parent may be defined by using an absolute coordinate system of an image or map, and the coordinates of the position of the child may be defined by a displacement from the parent coordinates, this method affects the configuration of the object table, (see col. 21, lines 22-26).

As per claim 26, Seto discloses a retrieving system, which is applied for retrieval of hair style graphic images expressing hair styles, (see col. 1, lines 50-56).

As per claims 27 and 28, in addition to the discussion in claim 18, Seto further discloses said first axis is assigned for amount of sense of dynamic as quantified on one axial direction and amount of sense of smart as quantified on the other direction (see col. 1, lines 40-43),

the second axis is assigned for amount of sense of masculine c as quantified on one axial direction and amount of sense of femininity as quantified on the other direction (see col. 21, lines 22-26).

As per claims 34 and 37, Seto discloses a method for generating a graphic image map to be used for a method of retrieving graphic image of an impression meeting with an impression of retrieving word among a plurality of graphic images to be retrieval objects using said graphic image map, in which a plurality of expression words expressing an impression of graphic images are arranged on a virtual space depending upon degree of association of those the impressions (see col. 1, lines 41-43), comprising "pre-storing an expression word map, in which a plurality of expression word expressing impression of the graphic images are arranged on the virtual space depending upon the degree of association of those impressions" as each image stored in a conventional image filing apparatus is assigned, as a retrieval index particular information, such as image sensing parameters including the date of sensing, the type of sensors and the like, it is therefore easy to retrieve an image by using image sensing parameters but difficult to retrieve an image by designating a particular point or area of the image, (see col. 1, lines 41-46);

"pre-storing said plurality of graphic images with correspondence to said expression words" as each image stored in a conventional image filing apparatus is assigned, such as image sensing parameters including the date of sensing, it is therefore easy to retrieve an image by using image sensing parameters, (see col. 1, lines 41-46), and see column 31, lines 53-54;

"deriving a position of the expression word corresponded to said graphic image or the position of the expression word contained in said graphic image on said virtual space, and a graphic image map generation step of generating a graphic image map arranging said respective graphic images on said virtual space on the basis of the position of the expression word" as an image inclusive of a particular object can be retrieved directly from position information, the latitudes and longitudes of four corners of a sensed 'corrected' image registered in advance are

used for retrieving the image, while checking whether a retrieving position is within an area defined by the latitudes and longitudes of the four corners, (see col. 1, lines 50-56).

As per claims 35 and 38, in addition to the discussion in claim 34, Seto further discloses "extracting said expression word from said graphic image descriptive document and said supplementary document corresponding to said graphic image with reference to said expression word map" as a means of allowing the retrieval of small objects, in which specifically a large object is first retrieved by using position information, (see col. 7, lines 28-30), and

"deriving the position of the expression word extracted from said graphic image descriptive document and said supplementary document corresponding to said graphic image with reference to said expression word map" as an image inclusive of a particular object can be retrieved directly from position information, the latitudes and longitudes of four corners of a sensed 'corrected' image registered in advance are used for retrieving the image, while checking whether a retrieving position is within an area defined by the latitudes and longitudes of the four corners, (see col. 1, lines 50-56).

As per claims 36 and 39, Seto discloses wherein each of said graphic images is stored corresponding to with an attribute information indicative of said graphic image in addition to said graphic image descriptive object and said supplementary document, (see col. 16, lines 32-37).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 30-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over by U.S. Patent Number 5,546,572 issued to Seto et al. (hereinafter "Seto").

As per claims 30-33, Seto discloses "said first axis is assigned for amount of sense of dynamic as quantified on one axial direction and amount of sense of smart as quantified on the other, and direction the second axis is assigned for amount of sense of masculine as quantified on one axial direction and amount of sense of femininity as quantified on the other direction" as an issue of retrieving an image inclusive of a particular position or area is settled by adding indices of sensing parameters to each image and using position information as indices, namely sensing parameters and position information are used as a retrieving key, the position information includes for example, the latitudes and longitudes of a map, and the lines and pixels of image coordinates, and if the map coordinates are used for the position information, a latitude/longitude-pixel/line conversion expression is used for converting map coordinates into image coordinates, (see col. 4, lines 23-35). Seto does not explicitly disclose "computer retrieving hair style graphic image of sensuous image meeting with an impression of a retrieving word among a plurality of hair style graphic images, a graphic image map storage device for pre-storing expression word map, the graphic image map including a plurality of expression words

expressing impression of the hair style graphic images on a virtual space, where the virtual space is a coordinate system having a first axis and a second axis perpendicular to said first axis, depending upon a degree of association of the impression". However, Seto discloses a method of retrieving image information from a database (see col. 1, lines 7-8); and steps of the image index contains identification information composed of a file name, and apparatus name and the like represented by the characters and numerals, see col. 1, lines 24-27; which is similar to the description provided by the applicant (specification on page 771, lines 12-15). Applicant should duly note, that Seto uses indexes to retrieve the candidate image (see col. 29, lines 56-57). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify the teachings of Seto with the graphic image map including a plurality of expression words expressing impression of the hair style graphic images on a virtual space, where the virtual space is a coordinate system having a first axis and a second axis perpendicular to said first axis, depending upon a degree of association of the impression". Such modification would allow the teachings of Seto to improve the efficiency of the retrieving method, retrieving system, retrieving program, retrieval objective map generating method, retrieval objective map generating system, image retrieving method, image retrieving system, image retrieving program, image retrieval data, image map generating method and image map generating system.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

6. Any inquiry concerning this communication from examiner should be directed to Jean Bolte Fleurantin at (703) 308-6718. The examiner can normally be reached on Monday through Friday from 7:30 A.M. to 6:00 P.M.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Mrs. KIM VU can be reached at (703) 305-8449. The FAX phone numbers for the Group 2100 Customer Service Center are: After Final (703) 746-7238, Official (703) 746-7239, and Non-Official (703) 746-7240. NOTE: Documents transmitted by facsimile will be entered as official documents on the file wrapper unless clearly marked "DRAFT".

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2100 Customer Service Center receptionist whose telephone numbers are (703) 306-5631, (703) 306-5632, (703) 306-5633.

Jean Bolte Fleurantin

2003-10-10

JBF/

SHAHID ALAM
PRIMARY EXAMINER